

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CHARLES E. SMITH, et al.,

Plaintiffs,

vs.

FIVE STAR QUALITY
CARE-NE, LLC,

Defendant.

4:13CV3096

ORDER

This matter is before the court sua sponte, and pursuant to NECivR 41.2, which states in pertinent part: "At any time, a case not being prosecuted with reasonable diligence may be dismissed for lack of prosecution." In this case the complaint was filed on May 6, 2012. **See** [Filing No. 1](#). The defendant file a notice of appearance and a motion for an extension of time to answer. **See** Filing Nos. [8](#), [9](#). The court granted the defendant an extension of time to answer until July 5, 2013. **See** Filing No. 10. The court also set a July 19, 2013, deadline for the parties to meet, confer, and file a planning report pursuant to Federal Rule of Civil Procedure 26(f). On July 3, 2013, the parties filed a joint stipulation to allow the plaintiff to file an amended complaint by July 31, 2013, and extend the planning report deadline to August 14, 2013. **See** [Filing No. 12](#). The court adopted the parties' stipulation. **See** Filing No. 13. No amended complaint, answer, or any other document has been filed in the case.

It remains the plaintiff's duty to go forward in prosecuting the case. Under the circumstances, the plaintiff shall file the amended complaint forthwith or show cause why sanctions should not be imposed for failure to comply with this court's orders to the extent allowed by Fed. R. Civ. P. 37. Upon consideration,

IT IS ORDERED:

The plaintiff has until the **close of business on August 30, 2013**, to file the amended complaint or show cause why sanctions should not be imposed for failure to comply with this court's orders.

Dated this 16th day of August, 2013.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge